

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 21, 2006

DIVISION ONE

B190304 Department of Children & Family Services (Not for Publication)
v.
Michael S., Sr.

The March 16, 2006, order is modified to delete the finding that Mike caused Michael's injuries and, as modified, affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

B188966 People (Not for Publication)
v.
Clark

The judgment is modified by (1) striking the section 12022.7, subdivision (a), (great bodily injury), enhancements ancillary to counts 3 and 4, and (2) striking the section 12022, subdivision (b)(1) (knife use), enhancements ancillary to counts 3 and 4; as modified, the judgment is affirmed and the cause is remanded to the trial court for resentencing (at which time Clark's custody credits should also be recalculated).

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B190172 The People (Not for Publication)
v.
Seneca Insurance Company

The order is reversed, and the cause is remanded to the trial court with directions to enter a new order granting Seneca's motion. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

B187541 People (Not for Publication)
v.
Michael Rene Castillo

The criminal threats conviction is reversed, and the drug conviction is conditionally reversed. The cause is remanded to the trial court with directions to hold a new in camera hearing and to do so in conformance with the procedures described in this opinion. If the trial court finds there are discoverable records, they shall be produced and the court shall conduct such further proceedings as are necessary and appropriate; if the court again finds there are no discoverable records, Castillo shall be resentenced and his drug conviction shall be affirmed as of that date. A corrected abstract of judgment shall be forwarded to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

December 21, 2006 (Continued)

DIVISION ONE (Continued)

B193690 Tonci R., Sr. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

DIVISION TWO

B187197 People (Not for Publication)
v.
Trotter

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B188725 People (Not for Publication)
v.
Lopez

The order under review is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed. On remand, the trial court is directed to correct the abstract of judgment to reflect that defendant was sentenced to the upper term of three years on count 6 and to three one-year enhancements under section 667.5, subdivision (b).

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B183616 People (Certified for Publication)
v.
Rasmuson

The order appealed from is reversed, and appellant's petition for conditional release is granted.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION TWO (Continued)

B186647 People (Not for Publication)

v.

Townsend, Jr.

Appellant's sentence is modified to provide a term of 15 years to life on counts, 1, 5, 9 and 13. The matter is remanded for resentencing under any other applicable law, other than the one strike law, on counts 2, 4, 6, 10 and 14. The judgment is otherwise affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B191701 Pedro Zumudio Carrillo (Certified for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

Let a peremptory writ of prohibition issue as prayed. The order to show cause is discharged. The temporary stay is vacated. The trial court is directed to set aside the order denying Carrillo's motion to bar retrial and to issue a new and different order granting the motion.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

December 21, 2006 (Continued)

DIVISION TWO (Continued)

B189854 First Omnius Company (Not for Publication)

V.

Haskim

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B186412 Ally (Not for Publication)

V.

Ally

McCullough

The judgment is affirmed. Kevin is awarded costs on appeal.

Chavez, J.

We concur: Boren, P.J.

Doi Todd, J.

B186885 Garey/Philadelphia LTD (Not for Publication)

V.

Yoshinoya West Inc.

The judgment is affirmed. Yoshinoya is awarded its costs on appeal

Chavez, J.

We concur: Doi Todd, Acting P.J.

Ashmann-Gerst, J.

DIVISION TWO (Continued)

B189672 People
 v.
 Salgado

Filed order denying petition for rehearing.

B183561 People
 v.
 Landeros

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B183388 People (Not for Publication)
 v.
 Carmona

The judgment is reversed as to appellant's convictions in counts 6 through 9. The judgment is modified to reflect appellant's sentence on count 10 is the 16-year upper term and his count 4 sentence is to be served consecutively. Appellant is ordered to submit to DNA sampling and to AIDS testing and to pay a security fee in the amount of \$120, consisting of a \$20 security fee on each of his convictions in counts 1 through 9 and count 10. In all other respects, the judgment is affirmed. The judgment is further modified to recite that the Superior Court is directed to prepare an amended abstract of judgment in accordance with the views expressed in this opinion.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B190088 D.C.F.S. (Not for Publication)

v.
Eric D.

The orders are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B185815 Goldstein, et al. (Not for Publication)

v.
Beck

The orders are affirmed. The December 6, 2005, motion to dismiss is denied. Costs on appeal are awarded to plaintiffs Goldsteins.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B186502 Rico (Not for Publication)

v.
City of Los Angeles, et al.

The order is affirmed. Defendants are to recover costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B177747 Cassady
 v.
 Morgan, Lewis & Bockius LLP

Filed order modifying opinion. (No change in the judgment).

DIVISION FIVE

B190305 Melody Delarroz et al (Not for Publication)
 v.
 Catholic Healthcare West

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B190163 Julie Bermel (Not for Publication)
 v.
 Robert Mickelson

The matter is remanded to the trial court so that the order may be modified to strike all reference to Bermel's father, mother, and brother. It is in all other respects affirmed. No costs are awarded.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

December 21, 2006 (Continued)

DIVISION FIVE (Continued)

B189902 In re: Niko A (Not for Publication)

V.
The People
Niko A., a Minor

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B188498 People (Not for Publication)

V.
Eric Gonzalez

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B190305 Melody Delarroz et al.

V.
Catholic Healthcare West

Submission order filed.

B191718 Malak Parvizian

v.
Syrus Parvizian

Filed order dismissing appeal on court's motion. Appeal (notice of appeal filed June 5, 2006) dismissed.

December 21, 2006 (Continued)

DIVISION SIX

B185586 Kleiman (Not for Publication)
v.
Kleiman

The judgment is affirmed. Respondent shall recover his costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION EIGHT

B186713 Romi's Express et al.,
v.
Rosalba Gil et al.,

Filed order vacating submission order of September 26, 2006. Cause resubmitted.